



General Assembly

February Session, 2004

Amendment

LCO No. 3025

HB0558803025HDO

Offered by:

REP. WIDLITZ, 98th Dist.

To: Subst. House Bill No. 5588

File No. 306

Cal. No. 224

"AN ACT CONCERNING FORESTRY MANAGEMENT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 12-107b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2004*):

5 When used in sections 12-107a to 12-107e, inclusive, as amended:

6 [(a)] (1) The term "farm land" means any tract or tracts of land,
7 including woodland and wasteland, constituting a farm unit;

8 [(b)] (2) The term "forest land" means any tract or tracts of land
9 aggregating twenty-five acres or more in area bearing tree growth [in
10 such quantity and so spaced as to constitute in the opinion of the State
11 Forester a forest area and maintained in the opinion of the State
12 Forester in a state of proper forest condition and such land consists]
13 that conforms to the forest stocking, distribution and condition
14 standards established by the State Forester pursuant to subsection (a)

15 of section 12-107d, as amended by this act, and consisting of [(1)] (A)
16 one tract of land of twenty-five or more contiguous acres, which acres
17 may be in contiguous municipalities, [(2)] (B) two or more tracts of
18 land aggregating twenty-five acres or more in which no single
19 component tract shall consist of less than ten acres, or [(3)] (C) any tract
20 of land which is contiguous to a tract owned by the same owner
21 [which] and has been [designated as forest land by the State Forester,
22 provided land designated by the State Forester as forest land in
23 accordance with section 12-107d prior to July 1, 1976, shall not be
24 subject to the provisions of subdivisions (1) to (3), inclusive, of this
25 subsection] classified as forest land pursuant to this section;

26 [(c)] (3) The term "open space land" means any area of land,
27 including forest land, land designated as wetland under section 22a-30
28 and not excluding farm land, the preservation or restriction of the use
29 of which would [(1)] (A) maintain and enhance the conservation of
30 natural or scenic resources, [(2)] (B) protect natural streams or water
31 supply, [(3)] (C) promote conservation of soils, wetlands, beaches or
32 tidal marshes, [(4)] (D) enhance the value to the public of abutting or
33 neighboring parks, forests, wildlife preserves, nature reservations or
34 sanctuaries or other open spaces, [(5)] (E) enhance public recreation
35 opportunities, [(6)] (F) preserve historic sites, or [(7)] G promote
36 orderly urban or suburban development;

37 [(d)] (4) The word "municipality" means any town, consolidated
38 town and city, or consolidated town and borough;

39 [(e)] (5) The term "planning commission" means a planning
40 commission created pursuant to section 8-19, as amended;

41 [(f)] (6) The term "plan of conservation and development" means a
42 plan of development, including any amendment thereto, prepared or
43 adopted pursuant to section 8-23, as amended;

44 (7) The term "certified forester" means a practitioner certified as a
45 forester pursuant to section 23-65h.

46 Sec. 502. Section 12-107d of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective July 1, 2004*):

48 (a) The State Forester may establish and implement standards for
49 forest stocking, distribution and conditions and procedures for
50 evaluation by a certified forester of land proposed for classification as
51 forest land. Such standards and procedures may be established and
52 implemented while in the process of adopting such standards and
53 procedures in regulation form, provided notice of intent to adopt the
54 regulations is published not later than twenty days after the date of
55 implementation. Such standards and procedures shall be valid until
56 June 1, 2006, or until final regulations are adopted, whichever date is
57 earlier.

58 (b) A certified forester may evaluate land proposed for classification
59 as forest land and attest to the qualifications of such land for
60 classification as forest land, provided such certified forester has
61 satisfactorily completed training by and obtained a certificate from the
62 State Forester or his or her designee related to policies and standards
63 for evaluating land proposed for classification as forest land and, in the
64 opinion of the State Forester, the certified forester acts in conformance
65 with such policies and standards.

66 ~~[(a)]~~ (c) An owner of land [may file a written application with the
67 State Forester for its designation by the State Forester as forest land.
68 When such application has been made, the State Forester shall examine
69 such application and, if the State Forester] seeking classification of
70 such land as forest land shall employ a certified forester to examine the
71 land to determine if it conforms to forest stocking, distribution and
72 condition standards established by the State Forester pursuant to
73 subsection (a) of this section. If the certified forester determines that [it
74 is forest land, said] such land conforms to such standards, such
75 forester shall issue a [triplicate certificate designating it as such, and
76 file one copy of such certificate in the State Forester's office, furnish
77 one to the owner of the land and file one in the office of the assessor of
78 the municipality in which the land is located] report to the owner of

79 the land pursuant to subsection (g) of this section and retain one copy
80 of the report.

81 (d) Fees charged by a certified forester for services to examine land
82 and determine if said land conforms to the standards of forest
83 stocking, distribution and condition established by the State Forester
84 shall not be contingent upon or otherwise influenced by the
85 classification of the land as forest land or the failure of such land to
86 qualify for said classification.

87 [(b) When the State Forester finds that it is no longer forest land, the
88 State Forester shall issue a triplicate certificate canceling the
89 designation of such land as forest land, and file one copy of such
90 certificate in the State Forester's office, furnish one to the owner of the
91 land and file one in the office of such assessor.]

92 (e) Upon termination of classification as forest land, the assessor of
93 the municipality in which the land is located shall issue a notice of
94 cancellation and provide a copy of such notice to the owner of the land
95 and to the office of the assessor of any other municipality in which the
96 owner's land is classified as forest land.

97 [(c)] (f) An owner of land [designated as forest land by the State
98 Forester] may apply for its classification as forest land on any grand
99 list of a municipality by filing a written application for such
100 classification accompanied by a copy of the certified forester's report
101 described in subsection (g) of this section with the assessor thereof not
102 earlier than thirty days before or later than thirty days after the
103 assessment date and, if the [State Forester has not cancelled the
104 designation] assessor determines that the use of such land as forest
105 land has not changed as of a date at or prior to the assessment date
106 such assessor shall classify such land as forest land and include it as
107 such on the grand list, provided in a year in which a revaluation of all
108 real property in accordance with section 12-62 becomes effective such
109 application may be filed not later than ninety days after such
110 assessment date in such year.

111 [(d) An application to the State Forester for designation of land as
112 forest land shall be made upon a form prescribed by the State Forester
113 and approved by the Commissioner of Environmental Protection and
114 shall set forth a description of the land and such other information as
115 the State Forester may require to aid in determining whether such land
116 qualifies for such designation.]

117 (g) A report issued by a certified forester pursuant to subsection (c)
118 of this section shall be on a form prescribed by the State Forester and
119 shall set forth a description of the land, a description of the forest
120 growth upon the land, a description of forest management activities
121 recommended to be undertaken to maintain the land in a state of
122 proper forest condition and such other information as the State
123 Forester may require as measures of forest stocking, distribution and
124 condition and shall include the name, address and certificate number
125 of the certified forester and a signed, sworn statement that the certified
126 forester has determined that the land proposed for classification
127 conforms to the standards of forest stocking, distribution and
128 condition established by the State Forester. An application to an
129 assessor for classification of land as forest land shall be made upon a
130 form prescribed by such assessor and approved by the Commissioner
131 of Environmental Protection and shall set forth a description of the
132 land and the date of the issuance of the certified forester's report and a
133 statement of the potential liability for tax under the provisions of
134 sections 12-504a to 12-504e, inclusive. The certified forester's report
135 shall be attached to and made a part of such application.

136 [(e)] (h) Failure to file an application for classification of land as
137 forest land within the time limit prescribed in subsection [(c)] (f) of this
138 section and in the manner and form prescribed in subsection [(d)] (g)
139 of this section shall be considered a waiver of the right to such
140 classification on such assessment list.

141 (i) The municipality within which land proposed for classification as
142 forest land is situated or the owner of such land may appeal to the
143 State Forester for a review of the findings of the certified forester as

144 issued in the certified forester's report. Such appeal shall be filed with
145 the State Forester not later than thirty business days after the issuance
146 of the report and shall be brought by petition in writing. The State
147 Forester shall review the report of the certified forester and any
148 information the certified forester relied upon in developing his or her
149 findings and may gather additional information at his or her
150 discretion. The State Forester shall render the results of his or her
151 review of the certified forester's report not later than sixty calendar
152 days after the appeal was filed.

153 [(f) The municipality within which land designated as forest land by
154 the State Forester is situated or the owner of land which the State
155 Forester has refused to designate as such may appeal from the decision
156 of the State Forester to the superior court for the judicial district within
157 which such municipality is situated. Such appeal shall be taken within
158 thirty days after the issuance of the certificate designating such land as
159 forest land or the refusal to issue such certificate, as the case may be,
160 and shall be brought by petition in writing with proper citation signed
161 by competent authority to the adverse party at least twelve days before
162 the return day. The Superior Court shall have the same powers with
163 respect to such appeals as are provided in the general statutes with
164 respect to appeals from boards of assessment appeals.]

165 [(g)] (j) An owner of land aggrieved by the denial of any application
166 to the assessor of a municipality for classification of land as forest land
167 shall have the same rights and remedies for appeal and relief as are
168 provided in the general statutes for taxpayers claiming to be aggrieved
169 by the doings of assessors or boards of assessment appeals.

170 (k) During the month of June each year the assessor of a
171 municipality within which land classified as forest land is situated
172 shall report to the State Forester, in a format prescribed by the State
173 Forester, the total number of owners of land classified as farm land,
174 forest land or open space land as of the most recent grand list and a
175 listing of the parcels of land so classified showing the acreage of each
176 parcel, the total acreage of all such parcels, the number of acres of each

177 parcel classified as farm land, forest land or open space land, and the
178 total acreage for all such parcels."